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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,416	12/03/2003	Kevin Cheng	3313-1074P	4756
2292	7590	04/28/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			PEGGINS, KRISTAL J	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,416

Applicant(s)

CHENG ET AL.

Examiner

K. Feggins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/3/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1, 3-6, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Althaus et al. (IBM Technical Disclosure Bulletin, Vol 23, No. 7A) in view of Murakami et al. (US 6896357 B2).

Althaus et al. disclose the following claimed limitations:

* regarding claim 1, a compound inkjet print head printer (fig 1) with a compound print head module (10, 12), being characterized in that the compound print head module includes at least two print heads (10, 12) to provide ink droplets with different sizes of ink droplets (figs 3 & 4), so that the compound print head module simultaneously provides ink droplets of at least two sizes in a print stroke to form multi-gradation pixels with a reduced number of print strokes and an increased printing speed (pgs 2700-2702, figs 1, 3-4).

* regarding claims 3 & 8, further comprising more than one tuning mechanisms/carriage/ to adjust the relative position of the print heads of the compound print head module (pgs 2700-2702, fig 1).

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* regarding claims 4 & 9, wherein the tuning mechanism includes a base, a screw-adjusting device and a sliding piece, the screw-adjusting device is mounted on the base in a manner to abut against the sliding piece through a top rod, so that when the screw-adjusting device rotates, the top rod is driven to push the sliding piece forth; two springs abutting against a side of the sliding piece opposite to the guide rod to achieve distance tuning; and the print heads being respectively mounted on their corresponding sliding pieces of the tuning mechanism (fig 1, the carriage assembly consisting of the lead screw, servo motor, base structures that the heads are attached to, carriage rods).

* regarding claims 5 & 10, wherein the tuning mechanism is a motor control module/servo motor (pgs 2700-2702, fig 1).

* regarding claim 6, a compound inkjet print head printer (fig 1) with a compound print head module (10,11), being characterized in that the compound print head module includes first (10) and second (11) print heads, wherein the volume of ink droplets from the first print head is N of one size, the volume of ink droplets from the second print head is of another size N being larger than M (figs 3-4), the ink droplets from the first and second print heads having at least one color, various gradations at proper pixel positions being printed with a combination of nozzle ink droplets from the first and ink droplets from the second print head (pgs 2700-2702, figs 1, 3-4).

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Althauser et al. does not disclose the following:

- * further regarding claim 6, printhead is N pico liter (pl) and the second head is M pl, N being larger than M
- * regarding claim 1, ink droplets of a same color

Murakami et al. discloses the following:

- * regarding claim 1, ink droplets of a same color (col 1, lines 18-29, col 6, lines 15-20) for the purpose of providing high-gradation and high-quality images to be printed at high speeds using dots of different sizes.

* further regarding claim 6, printhead having N pico liter (pl) and the second printhead having M pl, N being larger than M (col 6, lines 35-50) for the purpose of producing dots of different size.

It would have been obvious at the time of the invention was made to a person having ordinary skill in the art to utilize ink droplets of a same color from a printhead having N pico liter (pl) and a second printhead having M pl, N being larger than M, as taught by Murakami et al. into Althauser et al. for the purpose of producing dots of different size and providing high-gradation and high-quality images to be printed at high speeds using dots of different sizes.

Response to Arguments

Applicant's arguments filed 2/6/2006 have been fully considered but they are not persuasive.

Regarding applicant's argument that althausen et al. does not disclose an ink detecting module to check the operation and relative position of the print heads of the compound print head module before ink droplet ejection is acknowledged. However, Althausen et al. does disclose a lead screw which is driven by a drive motor that is attached to a carriage to move the heads. It is known in the art that a sensor or encoder system is connected to the drive motor for providing signals indicative of the position of the carriage along the lead screw. The carriage provides the movement of the heads.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., cartridge includes a mechanism to change the relative distance between the two heads) are not recited in the rejected claim(s). Claims 1 cites "... to check the operation and relative position of the print heads of the compound print head module..." not the relative distance between the two heads. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Drake (US 5,208,605) discloses a multi-resolution roofshooter printheads. Rezanka (US 5,412,410) disclose an ink jet printhead for continuous tone

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and text printing. Kneezel et al. (US 5745131) disclose a gray scale ink jet printer having ink jet nozzles of different sizes.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Communication With The USPTO

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Feggins whose telephone number is 571-272-2254. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talbott Dave can be reached on 571-272-1934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

K Feggins
K. FEGGINS
PRIMARY EXAMINER